

TRANSMITTAL OF APPEAL BRIEFDocket No.
65765-0085

In re Application of: Chin-Jui Chang et al.

Application No.
10/759,449-Conf. #7829Filing Date
January 16, 2004Examiner
M. A. PattersonGroup Art Unit
1794

Invention: SOUND DEADENING AND STRUCTURAL REINFORCEMENT COMPOSITIONS AND METHODS OF USING THE SAME

TO THE COMMISSIONER OF PATENTS:Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed: February 23, 2009.The fee for filing this Appeal Brief is \$ 540.00.☒ Large Entity ☐ Small Entity☐ A petition for extension of time is also enclosed.

The fee for the extension of time is _____.

☐ A check in the amount of _____ is enclosed.☒ Charge the amount of the fee to Deposit Account No. 18-0013.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 18-0013.

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Dated: April 17, 2009**Appeal Brief Transmittal**

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Docket No.: 65765-0085

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chin-Jui Chang et al.

Application No.: 10/759,449

Confirmation No.: 7829

Filed: January 16, 2004

Art Unit: 1794

For: SOUND DEADENING AND STRUCTURAL
REINFORCEMENT COMPOSITIONS AND
METHODS OF USING THE SAME

Examiner: M. A. Patterson

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal is from the Final Rejection of claims 1-27 set forth in the Final Office

Action dated December 10, 2008. A Notice of Appeal was filed February 23, 2009.

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I. REAL PARTY IN INTEREST

The real party in interest for this appeal is: Sika Corporation, assignee, a corporation organized and existing under the laws of the state of New Jersey, and having a place of business at 30800 Stephenson Highway, Madison Heights, Michigan 48071.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 27 claims pending in application.

B. Current Status of Claims

Claims 1-27 are finally rejected by the Office Action dated December 10, 2008.

C. Claims On Appeal

Claims 1-27 are on appeal.

IV. STATUS OF AMENDMENTS

Appellant filed a Response After Final Rejection, without amendments to the claims, on February 23, 2009, which the Examiner entered. The amendments to claims 23-27, dated September 9, 2008, were also entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following is a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, as required by 37 C.F.R. § 41.37(c)(1)(v). References to the specification herein are intended to be exemplary and not limiting. There are four independent claims described herein: claims 1, 11, 12 and 13.

Independent claim 1 describes a composition that is useful for forming a reinforcing body. *See* specification page 1, lines 10-25; page 2, lines 7-15. In particular, claim 1 describes a composition that includes the following ingredients: (a) from about 20-30% by weight of an SBS block co-polymer; (b) from about 5-20% by weight polystyrene; (c) from about 0.5-5% by weight of a rubber; and (d) from about 30-45% by weight of an epoxy resin. *See* page 6 of the specification from lines 1 to 11 and example 3 on pages 13-14.

Independent claim 11 describes a composition that is useful for forming a reinforcing body. *See* specification page 1, lines 10-25; page 2, lines 7-15. The composition comprises from about 20-30% by weight of an SBS block co-polymer; from about 5-20% by weight polystyrene; from about 0.5-5% by weight of a rubber; and from about 30-45% by weight of an epoxy resin. *See* page 6 of the specification, lines 1-11. The composition has a percent expansion of from about 80-220% after heating thereof to a temperature of at least about 300°F. *See* page 8 of the specification, lines 9 to 19.

Independent claim 12 describes a composition that is useful for forming a reinforcing body. *See* specification page 1, lines 10-25; page 2, lines 7-15. The composition comprises from about 20-30% by weight of an SBS block co-polymer; from about 5-20% by weight polystyrene; from about 0.5-5% by weight of a rubber; and from about 30-45% by weight of an epoxy resin. *See*

page 6 of the specification, lines 1-11. The composition has a compressive strength of at least about 1400 psi upon being expanded by heating to a temperature of at least about 300°F. *See* page 8 of the specification, lines 9-19.

Independent claim 13 describes a composition that is useful for forming a reinforcing body. *See* specification page 1, lines 10-25; page 2, lines 7-15. The composition comprises from about 20-30% by weight of an SBS block co-polymer; from about 5-20% by weight polystyrene; from about 0.5-5% by weight of a rubber; and from about 30-45% by weight of an epoxy resin. The composition has a compressive strength of at least about 1400 psi and a percent expansion of from about 80-220% upon being expanded by heating to a temperature of at least about 300°F. *See* page 8 of the specification, lines 9-19.

VI. GROUND S OF REJECTION TO BE REVIEWED ON APPEAL

1. The final rejection of claims 1, 7, 11-13, 19 and 23-27 under 35 U.S.C. § 102(b) over U.S. Patent No. 4,884,834 ("Yamamoto").
2. The final rejection of claims 2, 4-6, 14 and 16-18 under 35 U.S.C. § 103 over U.S. Patent No. 4,884,834 ("Yamamoto") in view of U.S. Patent No. 5,755,486 ("Wycech").¹
3. The final rejection of claims 3 and 15 under 35 U.S.C. § 103 over U.S. Patent No. 4,884,834 ("Yamamoto") in view of U.S. Patent No. 5,755,486 ("Wycech") and in further view of U.S. Patent No. 5,782,730 ("Kawasaki").
4. The final rejection of claims 8-9 and 20-21 under 35 U.S.C. § 103 over U.S. Patent No. 4,884,834 ("Yamamoto") in view of U.S. Patent No. 5,755,486 ("Wycech") and in further view of U.S. Patent No. 4,692,475 ("Rowland").
5. The final rejection of claims 10 and 22 under 35 U.S.C. § 103 over U.S. Patent No. 4,884,834 ("Yamamoto") in view of U.S. Patent No. 5,755,486 ("Wycech") and in further view of U.S. Patent No. 5,782,730 ("Kawasaki") and U.S. Patent No. 4,692,475 ("Rowland") and U.S. Patent No. 5,021,513 ("Bagga").

¹ The December 10, 2008 Final Office Action and the June 9, 2008 Non-Final Office Action do not identify Wycech in the summary of the rejection of claims 2, 4-6, 14, and 16-8, but the Wycech reference is applied by the Examiner on page 4 of the Non-Final Office Action, which is expressly "repeated" in the Final Office Action.

VII. ARGUMENT

A. Ground of Rejection 1 (Final Rejection of Claims 1, 7, 11-13, 19 and 23-27 over Yamamoto) Should Be Reversed.

As the Federal Circuit has stated numerous times, in order to demonstrate anticipation under 35 U.S.C. §102, the proponent must show that the four corners of a single prior art document describe every element of the claimed invention. *Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008). Because the hallmark of anticipation is prior invention, the prior art reference must not only disclose all of the elements of the claim, but must also disclose those elements “as arranged in the claim.” *Id.* The meaning of “arranged in the claim” is readily understood in relation to claim drawn to things such as ingredients mixed in some claimed order. *Id.* at 1370. In such instances, a reference that discloses all of the ingredients, but not in the order claimed, would not anticipate. *Id.* This example is not limited to the order in which ingredients are mixed. In fact, the Federal Circuit expressly stated that the “arranged in the claim” legal requirement applies to all claims and refers to the need for an anticipatory reference to show all of the limitations of the claims “arranged or combined in the same way” as the recited claims. *Id.*

Here, Yamamoto does not anticipate claims 1, 7, 11-13, 19 or 23-27 because Yamamoto does not disclose all of the claimed ingredients combined in the same way as the recited claims. Specifically, each of the claims that is subject to Ground of Rejection 1 requires, *inter alia*, the combination of ingredients, “from about 20%-30% by weight of an SBS block co-polymer; from about 5-20% by weight polystyrene; and from about 30-40% by weight of an epoxy resin.” The claims and the specification make clear that polystyrene and the SBS block co-polymer are

separate ingredients. For example, polystyrene is explained as a homopolymer in paragraph 14 of the specification, and exemplified in the same paragraphs as the homopolymer Fina Crystal 500 and Fina Crystal 535. In Example 3, the polystyrene ingredient is the homopolymer Fina Crystal 500. (Specification, paragraph 59). Example 3 makes clear that the separate SBS block co-polymer ingredient is Fina Clear 530. (Specification paragraph 45, 59).

By contrast, Yamamoto does not disclose the homopolymer “polystyrene” as a separate ingredient anywhere in the four corners of the patent. Thus, Yamamoto certainly does not disclose polystyrene in combination with SBS block co-polymer and an epoxy resin in the claimed weight percentages. Accordingly, Yamamoto simply does not and cannot anticipate any of claims 1-27.

The Examiner has argued that because SBS block co-polymer is formed from both polystyrene chains and polybutadiene chains that Yamamoto’s disclosure of SBS block copolymer necessarily discloses SBS block co-polymer in combination with the homopolymer polystyrene. This is factually incorrect.

The polystyrene chains that exist within an SBS block co-polymer are not stand-alone; rather, they are covalently bonded to polybutadiene chains. The results of such bonding are the creation of a different chemical entity – SBS block co-polymer – which has chemical and physical traits that are substantially different from polystyrene. See, for example excerpts from the catalog included as Evidence Exhibit A. In Evidence Exhibit A, various physical properties are listed for each of the polymers identified. Such properties include melt flow rate, tensile strength, and flex modulus. (Evidence Exhibit A, page 26). The properties of polystyrene are very different from those of SBS block co-polymer. For example, the melt flow rate of

polystyrene listed under the “Blow Molding, Extrusion and Injection Molding” section ranges from 1.4-4 g/10 min. (Evidence Exhibit A, page 26). The melt flow rate of SBS block co-polymer listed under the “Blow Molding, Extrusion and Injection Molding” section ranges from 7.5-11 g/10 min. (Evidence Exhibit A, page 30). As one of skill in the art understands, this is a substantial difference. In another example, the tensile strength for polystyrene ranges from 7-7.6 yield at 1000 psi (Evidence Exhibit A, page 26), and from 3-3.7 yield at 1000 psi for SBS block co-polymer (Exhibit 1, page 30). These substantial differences between SBS block co-polymer and the homopolymer polystyrene demonstrate that disclosure of SBS block co-polymer does not disclose the homopolymer polystyrene by itself or in combination with SBS block co-polymer in the claimed weight percentages.

Thus, for at least these reasons, the Yamamoto reference does not anticipate claims 1, 7, 11-13, 19 or 23-27, and this Board should reverse the final rejection of these claims.

B. Ground of Rejection 2 (Final Rejection of Claims 2, 4-6, 14 and 16-18 over Yamamoto in view of Wycech) Should Be Reversed.

1. Claims 2, 4-6, 14 and 16-18 Are Not Obvious over Yamamoto in view of Wycech

(a). The Examiner Failed To Establish A *Prima Facie* Case Of Obviousness

It is the Examiner's burden to set forth a *prima facie* case of obviousness in the initial or final Office Action. A *prima facie* case of obviousness has historically required that:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

MPEP § 2143 (Eighth Edition, Fifth Revision, August 2006) (*citing In re Vaeck*, 947 F.2d

488 (Fed. Cir. 1991).

So long as the motivation requirement for a *prima facie* case of obviousness is not rigidly applied, requiring the Examiner to show proper reasoning for combining prior art references is consistent with *KSR International Co. v. Teleflex, Inc.*, 127 S.Ct. 1727 (2007). In *KSR*, the Supreme Court stated that, “[i]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” *Id.* at 1741. Accordingly, the Court made clear that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *Id.* at 1731.

Here, there is no *prima facie* case of obviousness because even if the references are combined, the combination does not teach or suggest all the elements of Appellant’s claims. Neither Yamamoto nor Wycech include any reference to polystyrene as a separate ingredient. For example, the word “polystyrene” cannot be found in either reference. The Examiner has not provided sufficient reasoning to make a *prima facie* case that it would have been obvious to one of skill in the art to have made the claimed combination of the homopolymer polystyrene, SBS block co-polymer, and rubber and epoxy resin in the particularly claimed weight percentages.

(b). If The Examiner Made A *Prima Facie* Case Of Obviousness,
Appellant Rebutted The *Prima Facie* Case

Appellant has found that the relative weight percentages of SBS block co-polymer with the homopolymer polystyrene and epoxy resin, when used in an expandable composition, bring about

an unexpected result.

In particular, the homopolymer polystyrene acts a sponge for both SBS block co-polymer and epoxy resin. In other words, SBS block co-polymer and epoxy resin compete with one another for solubility in polystyrene. If too much SBS block co-polymer is included in the formulation, it displaces the epoxy resin from the homopolymer polystyrene, and the resulting formulation does not have the desired traits for an expandable reinforcer composition that can adhere to the surface of a structural member. Similarly, if too little SBS block co-polymer is included, the expandable reinforcer composition does not have the desired mechanical properties, such as compressive strength. Thus, a specific balance is required among the ingredients. The claimed weight percentages are balanced to prevent too much leaking of epoxy resin out of the formulation by controlling the amount of SBS block co-polymer in the formulation relative to the epoxy resin. None of specific weight percentages among the distinctly claimed ingredients, or the ratio of weight percentages of the claimed ingredients, are taught or suggested by the combination of Yamamoto and Wycech.

Moreover, when the claimed formulation is expanded, Appellant achieved the surprising result that the particular combination of ingredients, in their relative amounts, led to a composition that both expanded to a high degree (80-220%) while maintaining such a high degree of compressive strength (at least about 1400 psi). (Specification page 8, lines 9-19). As explained in earlier amendments and in earlier appeal briefs, this is surprising because one of skill in the art would expect that, the more the composition expands, the less likely it would be able to maintain such a compressive strength.

The evidence supporting the previous arguments is included in Evidence Exhibits B and C,

which are inventor declarations, in the Evidence Appendix. Specifically, Evidence Exhibit B provides data that a composition taught in the cited Wycech reference does not demonstrate the compressive strength, following expansion, as taught in the pending claims and specification. Thus, the results of the claimed combination are unexpected given the teachings of Wycech. Evidence Exhibit C distinguishes the SBS block co-polymer of the pending claims from polyisoprene, which the Examiner had argued was interchangeable with SBS block co-polymer. The two compounds are not interchangeable; SBS block co-polymer is not chemically cross linked and is much more easily processed and shaped. Thus, the inclusion of polyisoprene in combination with other ingredients does not teach or suggest the inclusion of SBS block co-polymer in combination with such ingredients.

For at least the reasons set forth hereinabove, this Board should reverse the final rejection of claims 2, 4-6, 14 and 16-18 under 35 U.S.C. § 103.

C. Ground of Rejection 3 (Final Rejection of Claims 3 and 15 over Yamamoto in view of Wycech and in further view of Kawasaki) Should Be Reversed.

This Final Rejection requires the combination of Yamamoto and Wycech, which for all the reasons set forth in detail, above, in Subsection A of the "ARGUMENT" Section does not teach all the elements of the independent claims from which dependent claims 3 and 15 depend. Additionally, there is no reason that one of skill in the art would look to the Kawasaki reference to modify the teachings Yamamoto or Wycech, as the Kawasaki reference is drawn to a pressure roller in a fixing system of a xerographic copying machine, laser beam printer or the like. And even if one did turn to the Kawasaki reference, it does not cure the deficiencies of the Yamamoto reference. For example, the word "polystyrene" cannot be found in the Kawasaki reference, either alone or in combination with SBS block co-polymer, epoxy resin, and rubber. Thus, the combination of

Yamamoto, Wycech and Kawasaki does not render obvious claim 3 or 15. Accordingly, this Board should reverse the Section 103 rejections of claims 3 and 15.

D. Ground of Rejection 4 (Final Rejection of Claims 8-9 and 20-21 over Yamamoto in view of Wycech and in further view of Rowland) Should Be Reversed.

This Final Rejection requires the combination of Yamamoto and Wycech, which for all the reasons set forth in detail, above, in Subsection A of the "ARGUMENT" Section does not teach all the elements of the independent claims from which dependent claims 8-9 and 20-21 depend. The Rowland reference does not cure the deficiencies of the Yamamoto reference, even if used in combination with Wycech. Thus, the combination of Yamamoto, Wycech and Rowland does not render obvious claims 8-9 or 20-21. Accordingly, this Board should reverse the Section 103 rejections of claims 8-9 and 20-21.

E. Ground of Rejection 5 (Final Rejection of Claims 10 and 22 over Yamamoto in view of Wycech and in further view of Kawasaki and Rowland and Bagga) Should Be Reversed.

This Final Rejection requires the combination of Yamamoto and Wycech, which for all the reasons set forth in detail, above, in Subsection A of the "ARGUMENT" Section does not teach all the elements of the independent claims from which dependent claims 10 and 22 depend. None of the Kawasaki reference, the Rowland reference, or the Bagga reference (alone or in combination) cures the deficiencies of the Yamamoto reference, even if used in combination with Wycech. Thus, the combination of five independent references does not render obvious claim 10 or 22. Accordingly, this Board should reverse the Section 103 rejections of claims 10 and 22.

Dated: April 17, 2009

Respectfully submitted,

By: /Linda D. Kennedy/
Linda D. Kennedy
Registration No.: 44,183
Attorney for Applicant

VIII. CLAIMS APPENDIX

A clean copy of the claims of Application Serial No. 10/759,449 follows:

1. A composition useful for forming a reinforcing body, said composition comprising:
from about 20-30% by weight of an SBS block co-polymer;
from about 5-20% by weight polystyrene;
from about 0.5-5% by weight of a rubber; and
from about 30-45% by weight of an epoxy resin.
2. The composition of claim 1, said composition further comprising from about 0.5-5% by weight of a pigment.
3. The composition of claim 1, said composition further comprising from about 1-10% by weight hydrated amorphous silica.
4. The composition of claim 1, said composition further comprising from about 10-20% glass microspheres.
5. The composite of claim 1, said composition further comprising from about 0.1-5% by weight of a blowing agent.

6. The composition of claim 1, said composition further comprising from about 0.1-5% by weight of a catalyst.

7. The composition of claim 1, said composition further comprising from about 0.1-5% by weight of a curing agent.

8. The composition of claim 1, said composition further comprising a compound for lowering the blowing temperature of the composition.

9. The composition of claim 1, wherein said rubber is a nitrile-butadiene rubber and said epoxy resin is a bisphenol A-based liquid epoxy resin, and said composition further comprises:

from about 0.5-5% by weight of a pigment;

from about 1-10% by weight hydrated amorphous silica;

from about 10-20% by weight glass microspheres;

from about 0.1-5% by weight of a blowing agent;

from about 0.1-5% by weight of a catalyst;

from about 0.1-5% by weight of a curing agent; and

up to about 5% by weight of a compound for lowering the blowing temperature of the composition.

10. The composition of claim 9, wherein said pigment comprises carbon black, said blowing agent comprises azodicarbonamide, said catalyst comprises N,N-dimethyl phenyl urea, said

curing agent comprises dicyandiamide, and said compound for lowering the blowing temperature comprises zinc oxide.

11. A composition useful for forming a reinforcing body, said composition comprising:
 - from about 20-30% by weight of an SBS block co-polymer;
 - from about 5-20% by weight polystyrene;
 - from about 0.5-5% by weight of a rubber; and
 - from about 30-45% by weight of an epoxy resin,

wherein said composition has a percent expansion of from about 80-220% after heating thereof to a temperature of at least about 300°F.

12. A composition useful for forming a reinforcing body, said composition comprising:
 - from about 20-30% by weight of an SBS block co-polymer;
 - from about 5-20% by weight polystyrene;
 - from about 0.5-5% by weight of a rubber; and
 - from about 30-45% by weight of an epoxy resin,

wherein said composition has a compressive strength of at least about 1400 psi upon being expanded by heating to a temperature of at least about 300°F.

13. A composition useful for forming a reinforcing body, said composition comprising:
 - from about 20-30% by weight of an SBS block co-polymer;

from about 5-20% by weight polystyrene;

from about 0.5-5% by weight of a rubber; and

from about 30-45% by weight of an epoxy resin,

wherein said composition has a compressive strength of at least about 1400 psi and a percent expansion of from about 80-220% upon being expanded by heating to a temperature of at least about 300°F.

14. The composition of claim 13, said composition further comprising from about 0.5-5% by weight of a pigment.

15. The composition of claim 13, said composition further comprising from about 1-10% by weight hydrated amorphous silica.

16. The composition of claim 13, said composition further comprising from about 10-20% glass microspheres.

17. The composite of claim 13, said composition further comprising from about 0.1-5% by weight of a blowing agent.

18. The composition of claim 13 said composition further comprising from about 0.5-5% by weight of a catalyst.

19. The composition of claim 13, said composition further comprising from about 0.1-5% by weight of a curing agent.

20. The composition of claim 13, said composition further comprising a compound for lowering the blowing temperature of the composition.

21. The composition of claim 13, wherein said rubber is a nitrile-butadiene rubber and said epoxy resin is a bisphenol A-based liquid epoxy resin, and said composition further comprises:

from about 0.5-5% by weight of a pigment;

from about 1-10% by weight hydrated amorphous silica;

from about 10-20% by weight glass microspheres;

from about 0.1-5% by weight of a blowing agent;

from about 0.1-5% by weight of a catalyst;

from about 0.1-5% by weight of a curing agent; and

up to about 5% by weight of a compound for lowering the blowing temperature of the composition.

22. The composition of claim 21, wherein said pigment comprises carbon black, said blowing agent comprises azodicarbonamide, said catalyst comprises N,N-dimethyl phenyl urea, said curing agent comprises dicyandiamide, and said compound for lowering the blowing temperature comprises zinc oxide.

23. A composition of claim 13 wherein the percent expansion is from about 95% to about 200%.

24. A composition of claim 23 wherein the compressive strength is at least about 1600 psi.

25. A composition of claim 13 wherein the percent expansion is from about 129% to about 147%.

26. A composition of claim 25 wherein the compressive strength is from about 1422 psi to about 2129 psi.

27. A composition of claim 25 wherein the compressive strength is at least about 1600 psi.

IX. EVIDENCE APPENDIX

Evidence Exhibit A: Excerpt from Plastics Technology, Processing Handbook & Buyers Guide 2005/2006. Following discussion of this his evidence in the Interview on January 21, 2009, this evidence was introduced to the record in the Response to Office Action dated February 23, 2009.

Evidence Exhibit B: Declaration 1 of Chin-Jui Chang, dated October 16, 2002, filed in the parent case, serial no. 09/572,754, and included in the August 16, 2006 Appeal Brief Evidence Appendix and in the March 6, 2008 Appeal Brief Evidence Appendix filed in the case presently on appeal.

Evidence Exhibit C: Declaration 2 of Chin-Jui Chang, dated October 16, 2002, filed in the parent case, serial no. 09/572,754, and included in the August 16, 2006 Appeal Brief Evidence Appendix and in the March 6, 2008 Appeal Brief Evidence Appendix filed in the case presently on appeal.

Evidence Exhibit A

PLASTICS TECHNOLOGY

COVER STORY: THE NEW PLASTICS TECHNOLOGY FOR THE 21ST CENTURY
SPECIAL ADVERTISING SECTION: THE NEW PLASTICS TECHNOLOGY FOR THE 21ST CENTURY



PROCESSING HANDBOOK

&
Buyers' Guide
2005/2006

INJECTION MOLDING (Continued)

[illegible]

BLOW MOLDING AND INJECTION MOLDING

[illegible][illegible]

BLOW MOLDING, EXTRUSION AND INJECTION MOLDING

[illegible]

BLOW MOLDING AND INJECTION MOLDING

Low Elastic.	Styron 6660	GR MED THP HR	8	1.04	8.6	4 Rec.
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EXTRUSION

Chemical	EA-3000	THF	1st	1.04	8	4.47	0.7
	EA-3100	THF	3	1.05	7.8	4.47	0.7
	EA-3200	TDH	7	1.04	7.4	4.47	0.7
Org Polymers	GPES P-102	OS, H ₂ O, THF	2.5	1.05	7	4.47	0.7
Thioisobut (Chemical)	1010S	CH ₂ Cl ₂ / CH ₃ OH	3.5	1.04	8.5	4.47	0.7
	203	GP, DMF, THF, H ₂ O	1.1	1.04	7.2	4.47	0.7
LG Chemical	201H-B	THF	5	1.05	8.8	4.47	0.7

POLYSTYRENE—GENERAL PURPOSE (continued)

EXTRUSION (Continued)

Material	Grade	Flow Rate (lb/hr)	Die Size (in)	Die Temp (°F)	Extruder Temp (°F)	Extruder Pressure (psi)	Extruder Speed (rpm)	Extruder Torque (lb-ft)	Extruder Power (hp)	Extruder Efficiency (%)	Extruder Output (lb/hr)	Extruder Output (kg/hr)
General Purpose	250E-E	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	214	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Altolene 623	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Altolene 624B	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Altolene 625	100	1.0	100	100	100	100	100	100	100	100	100

EXTRUSION, SHEET

Material	Grade	Flow Rate (lb/hr)	Die Size (in)	Die Temp (°F)	Extruder Temp (°F)	Extruder Pressure (psi)	Extruder Speed (rpm)	Extruder Torque (lb-ft)	Extruder Power (hp)	Extruder Efficiency (%)	Extruder Output (lb/hr)	Extruder Output (kg/hr)
General Purpose	Styrene 607	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	1101LR	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Polystyrene 169MB	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Altolene 616C	100	1.0	100	100	100	100	100	100	100	100	100

EXTRUSION AND INJECTION MOLDING

Material	Grade	Flow Rate (lb/hr)	Die Size (in)	Die Temp (°F)	Extruder Temp (°F)	Extruder Pressure (psi)	Extruder Speed (rpm)	Extruder Torque (lb-ft)	Extruder Power (hp)	Extruder Efficiency (%)	Extruder Output (lb/hr)	Extruder Output (kg/hr)
General Purpose	MD-3800	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Styrene 616APR	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	210	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Polystyrene 1450	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Polystyrene 1477	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Polystyrene 1403	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Polystyrene 169 MB	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	1200/1204	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	1210	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	1220/1230	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	1200/1250	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	1300/1301	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	1600	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	2100	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	2110	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	2500/2504/2500*	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	FX10*	100	1.0	100	100	100	100	100	100	100	100	100

INJECTION MOLDING

Material	Grade	Flow Rate (lb/hr)	Die Size (in)	Die Temp (°F)	Extruder Temp (°F)	Extruder Pressure (psi)	Extruder Speed (rpm)	Extruder Torque (lb-ft)	Extruder Power (hp)	Extruder Efficiency (%)	Extruder Output (lb/hr)	Extruder Output (kg/hr)
General Purpose	API 390	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	API 392	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	API 395	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	MD-3100	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	MD-3500	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	MD-3700	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	GFPS PS-108	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	GFPS PS-100	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	GFPS PS-400	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Rulain PS-4000	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Styrene 612	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Styrene 586APR	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	Styrene 605	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	FPC 2	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	FPC 3	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	FPC 4	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	FPC 5	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	FPC 6	100	1.0	100	100	100	100	100	100	100	100	100
General Purpose	FPC 7	100	1.0	100	100	100	100	100	100	100	100	100

POLYSTYRENE—IMPACT (Continued)

INJECTION MOLDING (Continued)

Manufacturer	Trade Name and Designation	Chemical Composition	Impact Strength (ft-lb/in)	Impact Strength (J/m²)	Impact Strength (kJ/m²)	Impact Strength (ft-lb/in)	Impact Strength (J/m²)	Impact Strength (kJ/m²)	Impact Strength (ft-lb/in)	Impact Strength (J/m²)	Impact Strength (kJ/m²)
Huntsman Chemical	678	GP/ST	5.5	1.04	7.2	—	4.5	0.4	—	200	—
	680	COL/PHI	8.5	1.04	3	50	2.4	3.2	—	100	—
Ineos Styrenes	PolyStyrene 446 D	ML/SP	14	1.04	3.1	—	2.4	1.2	—	102	—
LAZI USA	Lastral RV2	FR,HJ,HFL	0.5-0.5	1.18	4.4	2	2.0	1.5	—	144	—
	Lastral RV2	DS,FR,HJ,HFL	0.2-0.4	1.09	5.6	2	4	1.3	—	160	—
LG Chemical	400AF	FR,WTH	0.5	1.05	3.6	4	3.3	2.2	194182	—	—
	400AF	FR	14	1.18	3.7	4	3.3	1.5	182182	—	—
	407AF	FR	9	1.1	3.7	4	3.4	2.2	184192	—	—
	40AF	FR,GP	10	1.18	3.7	4	3.1	2	188184	—	—
	470EF	FR	12	1.04	3.7	4	3.4	2.2	183186	—	—
	501S	GP	7.5	1.03	3.6	5	3.1	1.9	188188	—	—
	501S-L	GP	7.5	1.03	4	5	3.2	1.9	188188	—	—
	60HR	HR	4	1.08	4.1	5	3.1	2.4	188188	—	—
	60HR-Q	HR,HFL	5.5	1.03	3.8	5	3.1	2.4	188184	—	—
	6F-510	HR,HFL	12	1.04	3.8	5	3.3	2.4	184184	—	—
	66-Q10	HBL,HJ	3.7	1.04	4.8	5	3.8	2.1	207188	—	—
	66-S800	HBL,HJ	5.5	1.04	5.1	5	3.6	2.1	188184	—	—
	66-Q70	HBL,HJ	6.5	1.04	3.5	5	3.7	2	188184	—	—
	61-610	HJ,HFL	6.5	1.04	3.8	5	3.1	3.8	200188	—	—
Network Polymers	NP500-0304	—	2.4	1.04	4.1	—	5.3	4	180	—	—
	NP500-0345	—	3	—	—	—	2.1	3	—	172	—
	NP500-0302	—	8	1.04	—	—	2.8	1.8	—	175	—
	NP500-0320	—	8	1.04	—	—	2.8	1.8	—	176	—
	NP500-0327	—	8	1.04	—	—	2.8	2.7	—	176	—
Nove Chemicals	4210/4214	—	3.5	1.04	6.3	—	4	1	—	182	—
	4211	—	4	1.04	5.8	—	3.6	1	—	182	—
	4501	HI	6.5	1.04	4.2	—	3.5	1.2	—	183	—
	5100/5104	HL,ST	2.7	1.04	5.8	—	3.4	1.5	—	182	—
	524	HBL,HI	4.3	1.04	5.2	—	3.2	1.5	—	185	—
	5180	HBL,HI	5.5	1.04	4.8	—	3.2	1.0	—	180	—
	5511	—	0	1.04	5.5	—	2.8	2.4	—	180	—
	5920	ST,HR	2.7	1.04	2.8	—	3	1.8	—	180	—
	5711	HL,MED,HFL	15.5	1.04	4.2	—	3.1	1.8	—	180	—
	5791	HL,MED,HFL	18	1.04	3.2	—	3.6	1.5	—	170	—
	7318	HL,ST	4	1.04	3.8	—	2.5	2.2	—	184	—
Phibic World	OpticalStyrol GH10	FR,HR	6	1.15	3.1	—	5	1.8	—	173	—
	OpticalStyrol GH30	FR,HR	10	1.18	4.3	—	3	1.2	—	178	—
	OpticalStyrol GH50	FR,HR	5	1.15	3.5	—	2.6	1.5	—	176	—
	OpticalStyrol GH60H	FR	4	1.12	3.5	—	3.7	0.5	—	187	—
	OpticalStyrol GH60	FR,HR	4	1.05	4.4	—	3.8	1.5	—	175	—
HTP	400HR-FR	BLK,FR,HJ,MAT	—	1.17	3.3	—	4	1.7	205175	—	—
	400HR-SR	BLK,HI,LU,MAT	—	1.03	3.1	—	3.2	2	105170	—	—
	401HR	—	10%	1.11	6	—	5	1.1	210180	—	—
	408HR	BLK,HI,MAT	20% GF	1.18	5	—	8	1.2	200180	—	—
	408HR	BLK,HI,MAT	30% GF	1.28	11.5	—	14	1	220180	—	—
	ESD A 400 HI	AST,BLK,IM	GF	1.1	3.2	2	3.3	1.2	205175	—	—
	ESD A 400 HI	AST,COOL,HI	GF	1.08	5.6	0.6	0.5	1.1	210100	—	—
	ESD C 400 HI	AST,BLK,ED,IM	GF	1.1	2.8	2	2.8	1.2	205125	—	—
	ESD C 400 HI	AST,COOL,ED,HI	GF	—	1.08	7	0.8	10	1	210180	—
Shuman	610	BLK	4-15	1.05	4.4	—	—	1.8-2	—	107	—
	611	BLK,IM	4-15.9	1.05	—	—	—	0.2-1.3	—	110	—
	611/601	BLK,AN,MOL	4-15.9	1.1	5.2	—	—	0.8	—	100	—
	SP50/550	BLK,HI,MOL	6-19	1.1	4.4	—	—	1.8	—	167	—

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POLYSTYRENE—IMPACT (Continued)

INJECTION MOLDING (Continued)

Grade	Material	Orientation	Impact	Modulus	Strength	Elongation	Volume	Weight	Notes
Polystyrene	502-1000	GR/HT/UB	27	4.2	1.37	2.2	1.00	1.00	
	502-1000	GR/HT/UB	6.4	4.2	1.37	2.2	1.00	1.00	
	502-1000	GR/HT/UB	6.6	4.2	1.37	2.2	1.00	1.00	
	502-1000	GR/HT/UB	1.0	10.0	1.37	2.2	1.00	1.00	
	502-1000	GR/HT/UB	1.0	10.0	1.37	2.2	1.00	1.00	
	502-1000	GR/HT/UB	1.0	10.0	1.37	2.2	1.00	1.00	
Polystyrene	502-1000	GR/HT/UB	1.0	10.0	1.37	2.2	1.00	1.00	
Polystyrene	HPS AS	AST	1.0	1.0	1.0	1.0	1.0	1.0	
Polystyrene	HPS FR	FR	1.0	1.0	1.0	1.0	1.0	1.0	
Polystyrene	Alotex 225	FGY/H	1.0	1.0	1.0	1.0	1.0	1.0	

INJECTION MOLDING AND STRUCTURAL FOAM

Grade	Material	Orientation	Impact	Modulus	Strength	Elongation	Volume	Weight	Notes
Polystyrene	5000/5004	SLD	7	1.04	1.0	1.0	1.0	1.0	

STRUCTURAL FOAM

Grade	Material	Orientation	Impact	Modulus	Strength	Elongation	Volume	Weight	Notes
Polystyrene	Styron 425	GR/HML	12	1.04	1.5	1.0	1.0	1.0	
	Styron 427	GR/HML	2.5	1.04	2.5	1.0	1.0	1.0	
	Styron 4500	GR/HML	10	1.04	2.5	1.0	1.0	1.0	
	Styron 4040	GR/HML	9	1.04	3.3	1.0	1.0	1.0	
	Styron 5007SF	GR/HM	1.0	1.04	2.5	1.0	1.0	1.0	
	Styron 5515	GR/HML	7.5	1.04	2.5	1.0	1.0	1.0	
	Styron 5515	GR/HML	7.5	1.04	2.5	1.0	1.0	1.0	
	Styron 5515	GR/HML	7.5	1.04	2.5	1.0	1.0	1.0	
	Styron 455	GR/HML	2	1.04	2.5	1.0	1.0	1.0	
	Styron 455	GR/HML	2	1.04	2.5	1.0	1.0	1.0	
Polystyrene	5540	H/SL	10	1.04	3.0	1.0	1.0	1.0	
Polystyrene	5910	M/SL	3.5	1.04	4	1.0	1.0	1.0	

SAN COPOLYMER

EXTRUSION

Grade	Material	Orientation	Impact	Modulus	Strength	Elongation	Volume	Weight	Notes
Polystyrene	Koatli 8265	CHR	18	1.07	0.7	1.0	1.0	1.0	
	Koatli 8265	CHR/HFL	30	1.07	0.6	1.0	1.0	1.0	
	Koatli PD-0285	CHR	20	1.08	10.9	1.0	1.0	1.0	
	Koatli PD-0365	CHR/HFL	30	1.08	10.9	1.0	1.0	1.0	

EXTRUSION AND INJECTION MOLDING

Grade	Material	Orientation	Impact	Modulus	Strength	Elongation	Volume	Weight	Notes
Polystyrene	Loran 3601	GR/TP	12	1.04	10.9	1.0	1.0	1.0	
	Loran 3606	GR/TP	8	1.08	12.2	1.0	1.0	1.0	
	Loran 3606	GR/TP	8	1.08	12.2	1.0	1.0	1.0	
Polystyrene	Tyrl 1000	CHR/HT/TP	3.5	1.08	11.9	1.0	1.0	1.0	
	Tyrl 880	CHR/HT/TP	3.5	1.08	11.9	1.0	1.0	1.0	
	Tyrl 880B	CHR/HT/TP	3.5	1.08	11.9	1.0	1.0	1.0	

INJECTION MOLDING

Grade	Material	Orientation	Impact	Modulus	Strength	Elongation	Volume	Weight	Notes
Polystyrene	SAN00L	GR/HT/TP/HFL	8	1.07	0.9	1.0	1.0	1.0	
	Loran 3600	GR/HT/TP/HFL	27	1.08	10.4	1.0	1.0	1.0	
	QowSan 100	GR/HT/TP/HFL	9	1.07	6.6	1.0	1.0	1.0	
	DowSan 111	GR/HT/TP/HFL	13	1.07	6.6	1.0	1.0	1.0	
	Tyrl 1011	CHR/MOL/HT/TP	7.1	1.08	0.3	1.0	1.0	1.0	
	Tyrl 1011	GR/HT	26	1.07	8	1.0	1.0	1.0	
	Tyrl 102	CHR/HT/TP	0.7	1.07	0.7	1.0	1.0	1.0	
	Tyrl 090	CHR/HT/TP	18	1.07	0.7	1.0	1.0	1.0	
Polystyrene	Koatli 8288	CHR	18	1.07	0.7	1.0	1.0	1.0	

INJECTION MOLDING (Continued)

STYRENE BUTADIENE BLOCK COPOLYMER

BLOW-MOLDING AND EXTRUSION

BLOW MOLDING, EXTRUSION AND INJECTION MOLDING

BLOW MOLDING, EXTRUSION AND INJECTION MOLDING

EXTRUSION, BLOWN FILM

EXTRUSION, BLOWN FILM

EXTRUSION, SHEET

EXTRUSION, SHEET

EXTRUSION AND INJECTION MOLDING

EXTRUSION AND INJECTION MOLDING

INJECTION MOLDING

INJECTION MOLDING

	MLOF, MED, PRIM	B	1.01	4.4	-	2.2	-	170	H8
K-Resin K801		7.5	1.01	3.7	-	2.1	0.8	193	H8
K-Resin K803	MLOF, MED ST	7.5	1.01	3.7	-	2.1	0.8		H8
K-Resin K803HW	GPMED, PRIM, TRP	5	1.02	4.1	-	2.7	3.6	189	
K-Resin K802	GPHSLN								

Evidence Exhibit B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

CHANG, CHIN-JUI et al.

Serial No.: 09/572,754

Filed: May 16, 2000

SOUND DEADENING AND STRUCTURAL
REINFORCEMENT COMPOSITIONS AND
METHODS OF USING THE SAME.

Docket No.: 26845-B

Group Art Unit No.: 1772

Examiner: M. Paterson

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

DECLARATION 1

I, CHIN-JUI CHANG, declare and state as follows:

1. I am one of the inventors named on the above-referenced patent application. I am a group leader in the Structural Materials section of Sika Corporation.
2. Under my direction and control, the composition set forth in Table 1 of this Declaration was used to prepare a composition following the procedures described in the text of U.S. Patent No. 5,755,486 to Wycech which was cited by the Examiner in the second office action of this application. The percent expansion and compressive strength of the Wycech composition was determined and is reported in Table 1 below. The composition reported in Table 1 corresponds exactly to the preferred formulation of Table 1 in the Wycech '486 patent.

Ingredient	Trade Name	Composition
Epoxy Resin	Araldite 6010 ¹	50.45% ²
Acrylonitrile-Butadiene Rubber	Nipol 1312 LV	4.33%
Calcium Carbonate	Winnifil SPT	5.81%
Carbon Black	Black Powder	0.13%
Fumed Silica	Cab-O-Sil TS720	3.55%
High Strength Glass Spheres	B38	22.4%
Curing Agent	Dicyandiamine G	4.33%
Accelerator	Amicure UR	1.29%
Blowing Agent	Celogen OT	0.71%
Volume Expansion, %		44.0% \pm 0.1
Compressive Strength, psi		1131.0 psi \pm 143.2

¹ A liquid bisphenol-A based epoxy resin.

² These percentages by weight correspond to the percentages by weight given in Table 1 of the Wycech patent.

3. These data clearly demonstrate that the compositions taught by Wycech do not exhibit sufficient volumetric expansion or compressive strength for use in structural reinforcement applications according to the invention. Wycech does not disclose a reinforcing composition which has a percent expansion of from about 80-220% as is recited by claims 11, 16, and 18 of the patent application. Furthermore, Wycech does not disclose a composition having a compressive strength of at least about 1400 psi as is recited by claim 12 and 17 of the patent application. By comparison, the present application discloses a compressive strength of at least about 1400 psi on page 8, line 24, and a percent expansion of

Serial No. 09/572,754

Docket No. 26845-B

from about 80-220% on page 8, line 17. A specific example is provided in Example B which provides a composition meeting all of the claim limitations of the independent claims.

I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that wilful, false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and such wilful false statements may jeopardize the validity of any patents issued from the parent application.

Any additional fee which is due in connection with this Declaration should be applied against Deposit Account No. 19-0522.


Chin-Jei Chung

Date: 10-16-2002

Evidence Exhibit C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

CHANG, CHIN-JUI et al.

Serial No.: 09/572,754

Filed: May 16, 2000

SOUND DEADENING AND STRUCTURAL
REINFORCEMENT COMPOSITIONS AND
METHODS OF USING THE SAME

Docket No.: 25845-B

Group Art Unit No.: 1772

Examiner: M. Patterson

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

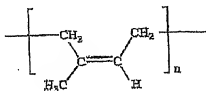
DECLARATION 2

I, CHIN-JUI CHANG, declare and state as follows:

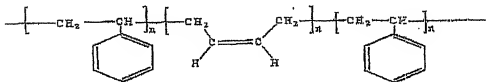
1. I am one of the inventors named on the above-referenced patent application. I am a group leader in the Structural Materials section of Sika Corporation.
2. Polyisoprenes and SBS Block copolymer are fundamentally dissimilar because polyisoprene is a diene rubber that is a vulcanizable elastomer while SBS Block copolymer is a thermoplastic elastomer. Vulcanizable elastomers must be crosslinked by heating to provide strength and toughness, and are soft at room temperature. SBS Block copolymer can be handled like a thermoplastic elastomer and provides strength and toughness at room temperature without vulcanization. Upon cooling, SBS Block copolymer becomes hard and plastic. The structures of polyisoprene and SBS Block copolymer are as follows:

Serial No. 09/572,754

Docket No. 26845-B



Polyisoprene



SES Block copolymer

3. As is evident from these structures, SBS Block copolymer and polyisoprene are structurally very dissimilar. The structural characteristics of the SBS Block copolymer and polyisoprene clearly impart functional properties that are not consonant with one another. This is critical to an appreciation of why polyisoprene and SBS Block copolymer are not interchangeable for use in the present application. SBS Block copolymer is not covalently bonded, while polyisoprene is covalently bonded. Polyisoprene must undergo a chemical process of crosslinking called vulcanization which results in a homopolymer having covalent bonds. The polymer process for SBS Block copolymer is reversible unlike that for vulcanized polyisoprene. In contrast, SBS Block copolymer is unique because it is not chemically crosslinked. Therefore, it is more easily processed and can be shaped more readily. By virtue of being a thermoplastic elastomer, SBS Block copolymer has two distinct phases that cause it to become fluid and rubbery at higher temperatures and hard and plastic at lower temperatures, making SBS Block copolymer ideal for use in structural foams for reinforcing hollow bodies. Polyisoprene lacks such characteristics and properties.

4. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful, false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of any patents issued from the patent application.

Serial No. 09/572,754

Docket No. 26845-B

Any additional fee which is due in connection with this Declaration should be applied against
Deposit Account No. 19-0522.


Chin-Jui Chang

Date: 10-16-2002

X. RELATED PROCEEDINGS APPENDIX

No related proceedings are referenced in Section II above. There are no decisions in related proceedings to include. Thus, this Appendix is included, but has no contents.